

**DIVISION 8 of TITLE 5
CALIFORNIA CODE OF REGULATIONS**

**Proposed Amendments to
California Code of Regulations, Title 5,
Sections 80300, 80309.1, 80310, 80311, 80314.5, and 80317
and the Addition of New Section 80305
Pertaining to the Committee of Credentials**

Notice of Proposed Rulemaking

The California Commission on Teacher Credentialing proposes to amend regulatory action described below after considering all comments, objections and recommendations regarding the proposed action.

Public Hearing

A public hearing on the proposed actions will be held:

December 1, 2005
10:00 a.m.
California Commission on Teacher Credentialing
1900 Capitol Avenue
Sacramento, California 95814

Oral comments on the proposed action will be taken at the public hearing. We would appreciate 14 days advance notice in order to schedule sufficient time on the agenda for all speakers. Please contact Kim Hunter at (916) 445-0243 if you wish to provide oral comments. Any person wishing to submit written comments at the public hearing may do so. It is requested, but not required, that persons submitting such comments provide fifty copies to be distributed to the Commission and interested members of the public. All written statements submitted at the hearing will, however, be given full consideration regardless of the number of copies submitted.

Written Comment Period

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail on the proposed action. The written comment period closes at 5:00 p.m. on November 28, 2005. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 323-6735; write to the California Commission on Teacher Credentialing, Attn. Kim Hunter, 1900 Capitol Avenue, Sacramento, California 95814; or submit an email to Khunter@ctc.ca.gov. Diana Mansker is a back-up contact person, and can be reached at (916) 445-0243.

Any written comments received 14 days prior to the public hearing will be reproduced by the Commission's staff for each member of the Commission as a courtesy to the person submitting the comments and will be included in the written agenda presented to the full Commission at the hearing.

Authority and Reference

Authority: Education Code section 44225(q).

Reference: Education Code sections 44002, 44225(q), 44242.3, 44242.5, 44242.7, 44244, 44244.1, 44246, 44421, 44438, and Code of Civil Procedure, section 1013(a).

Informative Digest/Policy Statement Overview

Summary of Existing Laws and Regulations

Staff is proposing modifications to existing regulations, and new regulations, as a result of the enactment of legislation (SB 63 Chapter 73, Statutes of 2005). Additional changes make technical and clarifying corrections.

Cost savings measures mandated by SB 63 (Chapter 73, Statutes of 2005) are contained in Education Code section 44242.3 and amended Education Code section 44244.

New Law: Section 44242.3 mandates that first-time applicants subject to investigation by the Committee of Credentials have an opportunity to respond to the allegations in writing. The Committee is required to grant or recommend denial of an application based on the information obtained during the investigation and the applicant's response. This change in the Committee's procedure allows the first-time applicant one opportunity to provide a written explanation of alleged misconduct, with no right to appear personally before the Committee. Currently, an applicant has two opportunities to submit information to the Committee with a right to an appearance before the Committee. The Commission anticipates savings of approximately \$15,000 per year, and the streamlined process would result in more expeditious processing of applications. In addition, without the additional workload of appearances by first-time applicants, the Committee would be able to review more investigations of first-time applicants every month.

Section 44244 was amended to eliminate the current requirement that, after the Committee conducts an investigation, the notice of the Committee's recommended disciplinary action be sent via registered mail. The California Code of Civil Procedure, section 1013(a), codifies the sending of notices by regular mail, a practice that is followed by other state agencies, as well as by the federal government. This valid form of legal notification will result in savings to the Commission in postage and labor costs of approximately \$11,000 per year.

Technical Changes: The wording in section 80317 was revised to clarify how and when credential applicants and holders may request an administrative hearing. Language describing the administrative hearings, accusations and statements of issue was eliminated, as Government Code sections apply.

Summary of Proposed Changes

80300: Staff is proposing that a definition of first-time applicants be included.

80305: Staff is proposing a new section that outlines jurisdictional requirements and details timelines of the streamlined investigation process for first-time applicants.

80309.1: Staff is proposing that the title be revised to reflect that this section does not pertain to first-time applicants.

80310: Staff is proposing that the title be revised to reflect that this section does not pertain to first-time applicants, and that the language stating that registered mail will be used for notification purposes be deleted.

80311: Staff is proposing that the title be revised to reflect that this section does not pertain to first-time applicants.

80314.5: Staff is proposing that the title be revised to reflect that this section does not pertain to first-time applicants, and that the requirement that registered mail be used for notification purposes be deleted.

80317: Staff is proposing technical clarifications on how credential applicants and holders may request an administrative hearing. Staff is also proposing deleting language that is covered by the Government Code.

Documents Incorporated by Reference

None.

Documents Relied Upon in Preparing Regulations

None.

Disclosures Regarding the Proposed Actions

The Commission has made the following initial determinations:

Mandate costs to local agencies or school districts: None.

Other non-discretionary costs or savings imposed upon local agencies: None.

Cost or savings to any state agency: \$26,000 per year.

Cost or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 175900) of the Government Code.

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment regarding the creation or elimination of jobs in California (Government Code section 11345.3(b)): The Commission has made an assessment that the proposed amendments to the regulation would not (1) create nor eliminate jobs within California, (2) create new businesses or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: The Commission has determined that the proposed amendment to the regulations does not affect small businesses. The proposed amendments to Title 5, California Code of Regulations, only impact the way that the Commission on Teacher Credentialing imposes discipline on credential holders. Thus, there is no impact on small businesses.

Consideration of Alternatives

The Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or small businesses than the proposed action. Interested individuals may present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

Contact Person/Further Information

General or substantive inquiries concerning the proposed action may be directed to Kim Hunter by telephone at (916) 445-0243 or in writing to Kim Hunter, California Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95814. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's website at www.ctc.ca.gov. In addition, all of the information on which this proposal is based is available for inspection and copying. Diana Mansker is a back-up contact person, and can be reached at (916) 445-0243.

Availability of Statement of Reasons and Text of Proposed Regulations

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice of Register, the rulemaking file consists of this notice; the proposed text of regulations; the initial statement of reasons; a letter received September 27, 2005 from Fabian Nunez, Speaker of the Assembly, and Don Perata, President Pro Tempore of the Senate; and a letter received September 23, 2005 from Michael Rothschild, Law Offices of Rothschild, Wishek, Chastaine & Sands, on behalf of the California Teachers Association.

Modification of Proposed Action

If the Commission proposes to modify the actions hereby proposed, the modifications (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

Availability of Final Statement of Reasons

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. When it is available, it will be placed on the Commission's website at www.ctc.ca.gov or a copy may be obtained by contacting Kim Hunter at (916) 445-0243. Diana Mansker is a back-up contact person, and can be reached at (916) 445-0243.

Availability of Documents on the Internet

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons and the text of the regulations in underline and strikeout format can be accessed through the Commission's website at www.ctc.ca.gov.